

Testimony on HB 4366
November 12, 2013
Sofia V. Nelson - Reentry Project, ACLU of Michigan

Honorable members of the Commerce Committee:

Thank you for allowing me the opportunity to testify today in favor of HB 4366: The Employment Application Fairness Act. My name is Sofia Nelson and I am a lawyer focusing on reentry issues at the American Civil Liberties Union of Michigan. I'm here today to express the ACLU of Michigan's support for HB 4366.

Nine states and 50 localities have already passed similar pieces of legislation ensuring fairness in hiring practices, including several Michigan cities. And just two weeks ago Target, one of the nation's largest employers, adopted a "ban the box" policy of its own. We at the ACLU believe HB 4366 is both legally sound and will make for good public policy here in Michigan.

There are three main reason we support HB 4366:

- 1) Due to a myriad of factors racial minorities are nearly 3 times more likely to have a criminal record than white people. Therefore, policies that automatically exclude people with criminal records from employment are highly likely to have a disparate impact on African-Americans and Latinos. Recognizing this discrepancy, in 2012, Equal Employment Opportunity Commission (EEOC) issued a guidance suggesting that a refusal to hire individuals with criminal records could be a violation of Title VII—a landmark federal civil rights law. HB 4366 would require that employers first evaluate an applicant on his or her qualifications before turning to his or her criminal record. As a result this bill would help prevent racial discrimination; ensuring that employers in Michigan do not violate federal law and bringing MI's law up-to-date and in line with Title VII.
- 2) We at the ACLU believe in second chances. Studies have found that people with records six-seven years old have approximately the same risk of engaging in criminal behavior as individuals with no criminal history. Excluding individuals with old criminal convictions or minor offenses from a fair shot in the application process assumes that nobody can turn their life around. The evidence suggests and justice demands that people be given an opportunity to explain their criminal history to an employer if they are otherwise qualified for the job. HB 4366 would help to ensure basic fairness.
- 3) Finally, people with legitimate employment are less likely to come in contact with the criminal justice system. HB 4366, by giving ex-offenders a meaningful second chance, would likely reduce recidivism in the state, and in turn reduce Michigan's corrections expenditures. We see this bill as a win-win, it advances civil rights while having the added benefit of, in the long-term, reducing MI's run-away corrections budget.

In conclusion, it is estimated that one in four Americans have a criminal record. It is important to note that this bill would not obligate employers to hire anyone, but it would ensure that the 25 percent of Michiganders who routinely face employment discrimination are given a meaningful chance to secure legitimate employment.

For all of the reasons I've outlined the ACLU of Michigan supports HB 4366. I would welcome the opportunity to take any questions now or later by phone or email. Thank you.

Sofia V. Nelson
Reentry Project, ACLU of Michigan

sofia.nelson@gmail.com

November 10, 2013
Representative Fred Durhal, Jr.
Michigan House of Representatives
The State Capitol
Lansing, MI 48913

Re: House Bill 4366, The Employment Application Fairness Act

Dear Representative Durhal,

I write in support of the Employment Application Fairness Act. I believe this is good public policy and is the right thing to do given the situation many recently released offenders find themselves in and the need for capable and skilled workers many businesses have today. The Act will give released offenders a better opportunity to successfully compete for jobs they need to support themselves and their families, reducing their dependence on public programs, and most importantly to avoid further criminal activity. Businesses also will find a treasure trove of skilled and capable workers from a hereto underutilized source.

I speak from a somewhat unique perspective, having been an Assistant Attorney General for the State of Michigan for 35 years. For a significant period of my career, I represented the Department of Corrections in prison-related litigation or prosecuted offenders sending them into the prison system. At that time I viewed inmates as a homogeneous caste of malefactors menacing society even as they were restrained behind thick prison walls. I did not view them as individuals but rather as a dangerous conglomeration of social pariahs. Their criminality seemingly justified society's attitude of "locking 'em up and throwing away the key." Once imprisoned society could conveniently forget about them. Redemption was not a consideration.

This view has been shared by many over the years. Indeed, under the banner of getting tough on crime, the prison population skyrocketed with the war on drugs and a demand for longer sentences. Only recently has it become apparent that there aren't enough prisons to handle such increases, nor enough money to build more prisons to continue that trend. Only recently have we recognized that many of those in prison are going to be released, either because they have completed their sentences or because of overcrowding.

However, those released face the very difficult task of successfully reentering society. A major hurdle and a key to successful reentry is finding a job to support themselves and their families. Moreover, experience proves that ex-offenders finding a job greatly increases their chances of avoiding further criminal activity and having success outside of prison.

In 2010, I retired from the Department of Attorney General. I was invited to sit on the advisory board of ARRO, a program sponsored by the Northwest Initiative, a small non-profit in Lansing. ARRO advocates on behalf of ex-offenders in their effort to return as productive members of society. ARRO provides resources to help ex-offenders deal with barriers to reentry like lack of drivers licenses, job skills, transportation and housing. For me this was an eye-opening experience.

I was an unlikely candidate for involvement in ARRO. In my life experience, I had neither relatives nor friends who had been convicted of a felony let alone sentenced to prison. Until my involvement with ARRO, prison inmates were still that faceless social class known simply as "convicts." With ARRO I met a collection of hardworking, concerned, and dedicated individuals whose chief concern was to *help others* who were returning to society after incarceration. Only after a while did I realize that the people making ARRO work for others were working for themselves as well because they themselves were ex-offenders. This realization really struck home when meeting with representatives of a Presbyterian Grant committee and all of the ARRO representatives in the room except me identified themselves as "ex-offenders." The point is there are many ex-offenders who deserve a chance to prove they can be useful and valuable resources in our cities and state. Their lives cannot and should not be judged solely by a major mistake in their life that led to a conviction.

The check box on employment applications which identifies felony convictions does just that – it reduces an ex-offender's value and worth first and foremost to the status of a once-convicted felon. This view is simplistic. It provides an easy initial employment criteria that allows an employer simply to exclude all applications where the check box is checked. This "blanket policy" excludes from consideration a lot of potential employees who are competent, skilled and perhaps most importantly, motivated to do a good job and prove their worth to their families, society in general, and to themselves. Their employment suitability should not be defined simply by the mistake that sent them to prison when oftentimes that occurred when they were young and immature.

Further, the Equal Employment Opportunity Commission, based on extensive social science research, has determined that blanket exclusions of potential applicants with criminal records violates Title VII because of the disparate impact such a blanket practice has on African-American and Hispanic applicants. Individual consideration rather than a blanket exclusion of a criminal record is considered a best practice.

So what does HB 4366 do and not do to advance our society? "Ban the box" legislation simply precludes the blanket screening of job applications using felony convictions and requires employers to adopt the better practice of individual consideration of a criminal record. Ban the box does not bar disclosure of a felony record, but merely delays that disclosure until after the employer has had an opportunity to meet an ex-offender and consider his or her individual merits for a job. House Bill 4366 does no more than prohibit the blanket screening practice that the EEOC has condemned.

Without the ban the box policy, many ex-offenders will continue to get no consideration for sorely needed jobs. Although the ex-offender's debt to society has been paid by virtue of expiration of his or her sentence or a grant of parole, the ex-offender will continue to suffer the consequences of a poor decision in the past. For an ex-offender a single fact - that of a conviction - will continue to create an insurmountable obstacle to employment. Without ban the box, a blanket screening device will continue to deny the applicants any opportunity to explain the nature and circumstances of the crime, how long ago it occurred, and what the applicant has done to reform his or her life since. Such a policy provides no room for redemption - certainly an un-Christian proposition. Further, without ban the box, a blanket screening policy will continue to deny employers the opportunity to uncover a potential new source of employees that can fill needed

positions in their companies especially where a criminal conviction may have no relevance to the job itself.

Thus, ban the box gives ex-offenders a fairer chance at employment, and potentially increases the safety of society by helping ex-offenders become successful reintegrating back into society. This legislation also encourages Michigan businesses to engage in the better practice of giving each individual an opportunity to be considered for a job while avoiding the blanket screening practice condemned by the EEOC. Ban the box legislation has become law now in 10 states and 50 cities and municipalities around the country. Michigan should follow this trend not just because of the policy's positive merits, but also because it is the right thing to do.

Sincerely,

Ronald W. Emery
2215 Tulane Drive
Lansing, MI 48912

Testimony on HB 4366

Mark Peters, CEO, Butterball Farms, Grand Rapids Michigan

As an employer, I am never happy about the government meddling in my business decisions.

As for removing the question about criminal history, I would encourage all employers to remove it from their applications.

1. I am not suggesting the question be removed from the interview process; however, by taking it off of initial applications, the employer will have a wider array of qualified candidates.
2. By asking this question on an initial application, employers run the risk of an individual doing intake and sorting of applications sorting anyone who "checked the box" out of the process.
3. Criminal background or felony conviction has very narrow connotations in most people's mind. The fact is, many people who have been convicted of crimes were convicted of crimes that would have no bearing on their work or their qualifications.
4. Also, letting people with criminal backgrounds into the interview process, you find you actually end up knowing a lot more about the individual who has been convicted than you do about other people you are interviewing.

My personal experience is that if you have an employment environment that encourages people to be successful, people who come into your environment who have been convicted of a crime, become some of your most successful employees. They are appreciative of the opportunity, and know how tough it is to find a job.

In fact, when we went through a major downsizing a few years ago, it came to light that no one in our organization who had a conviction, was caught in the downsizing.

This experience led me to wonder if people coming out of the prison system who are ready to work, if given the right opportunities don't constitute a good employee. So I began an initiative called 30-2-2 in an effort to find employers willing to hire people with a felony conviction in their past. In the 18 months we have been working on this, there have been over 25 people placed in jobs, and we have spent less than 40k of private money to support some staff efforts to coordinate activities.

Mark Peters

Chief Executive Officer

Butterball® Farms, Inc.

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Because Butter Should Be Beautiful®



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Ban the Box

My name is Rick Bennett and I am with the ARRO Re-entry Program at Northwest Initiative. I became involved with ARRO around 4 years ago, and it's been the most rewarding work I've done in my career.

A little on my background, after college I went into the restaurant business managing and overseeing several businesses. From that I took my experience into sales and marketing. I have always been a conservative and supporter of such groups as the NRA and Republican beliefs. I always had the mindset that a person who committed crimes shouldn't be given second chances. It was not until I began working with Monica Jahner and all her passion and commitment towards putting the clients toward a fresh start that I began to understand that everyone had their own story to tell.

I grew up with a strong family support with high morales and values. Meeting and working with some of our ex-offenders, I began to understand and opened my mind to a new way of thinking. I found that most of these people were never given the support that starts at home in a nurturing environment. With many of our clients they were born with 2 strikes against them.

I have worked with over a hundred clients and through the programs we offer, have seen growth and success from our educational resources, GED programs, resume building, and one on one skills training. Our clients want to succeed and get their lives back on the right track. I have found that they do realize their poor choices and wrong decisions that have cost them dearly, but these people all have their own special skills and experience and could be a strong asset to businesses and companies. Unfortunately, many are finding that having to check the felony box their job applications are never given any serious consideration for hiring. Sadly, there are employers out there that are missing out on some potential solid employees, who just won't look beyond that little box, and take in the bigger picture. Let's just give them a chance to show their work ethic, and desire to be a contributor to our society. Thank You!

Sincerely,
Rick Bennet

Through community engagement and mobilization, NWI advances the development of healthy, vibrant communities by building capacity to identify needs and formulate strategies to create change.

**Statement of Rick McHugh
Senior Staff Attorney
National Employment Law Project**

**Before the House Commerce Committee
In support of the
Employment Application Fairness Act, HB 4366**

My name is Rick McHugh. I am a senior staff attorney with the National Employment Law Project (NELP). NELP is a national research and advocacy group that is focused upon employment issues of concern to low-wage and jobless workers. NELP promotes policies and programs that create good jobs, increase opportunity, and remove barriers to employment. NELP is a non-profit organization with offices in Washington, D.C., New York City, Oakland, California, and Ann Arbor, Michigan. I am based in Ann Arbor, and I've been a licensed attorney in Michigan since 1984 with experience in employment law and social insurance policy.

There are an estimated 65 million individuals with a criminal record in the United States. In 2011 in Michigan, there were 42,900 individuals in prison, 54,000 on probation, and 18,000 on parole. Many of those individuals return to their communities after serving their sentences or completing probation/parole and they then face the barrier of finding jobs despite having a criminal record. Given that reality, removing a barrier to employment is one way to reduce the challenges to finding work after they have satisfied their obligations under our criminal laws.

The proposed Employment Application Fairness Act would not prevent employers from using criminal background checks when hiring, instead the bill stops employers from using a criminal record to screen out all individuals with criminal histories at the initial application stage of hiring. In addition, the bill permits employers to use criminal records when hiring for jobs where such screening is required by federal or state law, or to conduct criminal background checks after the initial application stage. In short, while recognizing the legitimate needs of employers, the Employment Fairness Act gives those with criminal records greater opportunities to find employment by delaying the consideration of criminal records until an applicant has shown that he or she meets the basic requirements for a job.

The need for fairer treatment of job applicants with criminal records is evident. David Hickton, U.S. Attorney for the Western District of Pennsylvania, recently observed that "We have a choice. We can take steps when [these individuals] come out to give them a chance, or we can cycle them right back into the system." Mr. Hickton's remarks called attention to a growing policy responding to the reemployment crisis faced by individuals with criminal records known as "Ban the Box." Under hiring practices screening out every individual with a criminal record used by many employers, individuals finishing their sentences cannot find jobs and risk becoming burdens on their families and communities. In our view, criminal records are properly considered only when relevant to the particular job and at a time in the selection process when a job candidate can offer an explanation.

The approach embodied in the bill limits a hiring practice that asks all job applicants to check a box if they have ever been convicted. If the box on the job application is checked, there is virtually no chance that this particular affected applicant will be hired. If the applicant instead lies about having a criminal record, he or she will often be fired upon the discovery of a criminal record. Instead of taking this across-the-board approach, the Ban the Box approach requires that employers delay consideration of criminal records until a later point in the hiring process.

Ban the Box is recognized as a fair hiring policy that balances legitimate employer needs for criminal background information with an opportunity for an individual employee's explanation of circumstances once the application has reached a level of serious consideration. Because Ban the Box offers a fair approach to this serious reemployment barrier for the many members of the public with criminal records, it has now been adopted by over 50 local governments (including Atlanta, Chicago, Philadelphia, and Tampa) and in 10 states (CA, CO, CT, HA, IL, MD, MA, MN, NM, RI). Here in Michigan, Detroit adopted an ordinance in 2010 and Saginaw County and Muskegon County have also done so. Many local Michigan communities are in the process of considering these policies. The state of Michigan should do so as well.

A growing number of employers have stopped asking applicants about criminal records in initial applications and instead wait until later in the hiring process. Target is the latest national example. Under Ban the Box hiring policies, the nature of the criminal conviction, the age of individuals when they committed a crime, and the number of years that have passed since the conviction(s) can be

taken into account when applicants have criminal records. Whenever past criminal convictions are not relevant to the performance of the requirements of the jobs under consideration these considerations can result in an individual getting a job, rather than a rejection.

We have a number of suggested improvements in the bill. As drafted, the bill simply prohibits screening all applicants for felony convictions. HB 4366 should be amended to cover past misdemeanor convictions, and we understand that an amendment will be offered to correct that omission. We support the bill with that change. In addition, we would recommend that the bill affirmatively state that an employer shall not inquire into or consider the prior criminal conviction of an applicant for employment, including conducting a criminal background check, until the applicant is determined by the employer to be otherwise qualified for employment. In addition, a qualified applicant should have an opportunity to explain his or her criminal history. This broader approach is followed in the better local and state Ban the Box laws around the country.

In conclusion, the Employment Application Fairness Act addresses a barrier to successful reentry of individuals with criminal records by giving jobseekers with criminal records an opportunity for fair consideration of their qualifications. The bill does not mandate hiring of individuals with criminal records or prevent employers from taking criminal records into consideration when hiring. Because these laws are common sense measures they are winning growing acceptance in states and localities across the country, and we urge Michigan to join these jurisdictions by adopting the Employment Application Fairness Act.

Mr. Chairman, that concludes my statement and I would be happy to answer any questions.

Respectfully submitted,

Rick McHugh
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November 12, 2013

Commerce Committee Meeting on HB 4366
Employment Application Fairness Act
Testimony—November 12, 2013
Peter J. Martel, Program Associate
AFSC-Michigan Criminal Justice Program
Contact: pmartel@afsc.org
734-761-8283 ext. 2
www.prisoneradvocacy.org

Thank you for the opportunity to present today. My name is Peter Martel, and I work for the American Friends Service Committee (AFSC) in the Michigan Criminal Justice Program. Our local office has advocated with Michigan prisoners and their loved ones for more than 25 years. A short list of the more common issues we work on includes:

- Inadequate health care and mental health care services
- Lack of access to programs required for parole
- The parole process and access to freedom
- Problems with security classification
- The overuse of long-term segregation
- Problems people in prison face due to gender identity and/or sexual orientation
- Problems with the grievance process
- Overall conditions of confinement

In addition to our individualized casework, we also travel to prisons around the state to conduct parole readiness workshops. In about 2½ hours, we talk to large groups of men or women about the parole process, the importance of doing productive time while in prison, parole plan preparation, the parole interview, and release on parole. So far this year we have conducted these workshops with approximately 1,000 individuals in our state prison system.

Drawing from our work and experiences with these many individuals who are or were incarcerated, we strongly support the Employment Application Fairness Act and urge you do the same.

Many of the people that we work with come from poverty-stricken and low-education backgrounds. They may have been homeless and/or jobless before going to prison. At least 20% of the Michigan prison population is living with some kind of mental illness. A large number of people living in prison have substance abuse and addiction histories. And often, people sentenced to prison have been subjected to some traumatic event prior to their incarceration. Many will continue to be traumatized while in prison due to overcrowded conditions or, on the other end of the spectrum, long-term isolation.

Most of the people we work with have the modest goal of getting out, getting a job, and finding some way to give back to the community. Many have learned very tough lessons and have neither the intention nor the desire to engage in any sort of criminal activity.

And you can only imagine how happy they are to come home after being in prison for 5, 10, or 20 years. They've served their sentence, and they're ready to get on with their life.

Very often, however, we hear from people who get out and quickly have their hopes dashed. They've spent a number of weeks turning in job applications—I recall a man who was turning in between 12 and 15 applications a day—only to never hear anything back from the prospective employer. They've participated in the programs offered by the Michigan Department of Corrections to help them prepare resumes and they are trying to make the most of any assistance that MichiganWorks has to offer, but at the end of the day, it is very difficult for them to get past any preliminary consideration because they must disclose on the application that they have a criminal background.

Any chance that any of these individuals has lies in the hope that somewhere, someone will give them a chance to prove that they have turned their lives around and that they are hard workers who will appreciate the opportunity to make an honest living as much, if not more than, the next person. Without that one chance, however, it is impossibly difficult for them to do what we all want them to do: live a life of honest work and just reward.

I noticed on the list of “pro’s” and “con’s” in the legislative analysis of this bill that opposition argues this legislation could arguably make it harder for “good guys” to find employment, since it would make it more likely that applicants with criminal backgrounds are considered for employment. Unfortunately, this bizarre argument becomes a self-fulfilling prophecy if the opposition somehow convinces you to oppose this bill: if applicants with criminal backgrounds are not considered for employment, then they have no opportunity to become one of those ‘good guys’ that we all want to see them become.

If we are going to interrupt the cycles of trauma, violence, addiction, homelessness, joblessness and lack of education that lead to poverty, we have to give people some tools and a chance to obtain jobs for themselves upon return to the community.

It is with all of this in mind that we encourage you to support the Employment Application Fairness Act. The modest act of removing a check box from a preliminary application is an incremental step in the direction of breaking those cycles.

Thank you very much for your time and consideration in this important matter.



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November 7, 2013

TO: Commerce Committee Members

FROM: Monica Jahner, Fair Chance Coalition

My name is Monica Jahner, and I am currently the Director of the Fair Chance Coalition also the program Director of a grass roots re entry effort called A.R.R.O. In 2007 I was released from prison after serving 28 years. Since my release I was forced to create my own employment, because once I checked the box on the job application and was honest about my "past", I was never given a job interview due to those circumstances.

While creating this re entry program I found out why we had a revolving door in our prison system: The majority of ex offenders just can't get interviews to sell themselves to an employer, thus no employment. When I do our wrap around services for these ex offenders I find that one of their biggest challenges is finding employment because no one will give them an interview if they check the box stating that they have a felony. In my re entry program I mandate that my clients come in and do volunteer or community service work so I can provide them with a good reference. These clients are the hardest working people I have ever met, they are on time, they do a great job, yet I can't find them employment because they can't get an interview due to their criminal past. I see so much despair when my clients are turned down day after day for employment.

The domino effect from this box dilemma is terrifying: 1st, these clients can't become tax paying members of society, 2nd, how long does the state want to take care of the ex offender, 3rd, these clients can't set a good example for their children, 4th, when the children go to school chances are they are bullied because of their parents plight, and 5th, ex offenders are going to do what it takes to provide for their families, and if they can't get employment it leaves them to resort to illegal activity where our community becomes their victims.

This is a win- win situation for everyone, it will give the ex offender the opportunity to get an interview, share their past with the employer, tell how they ended up in their predicament and how they have evolved. It will also allow ex offenders the opportunity to get employment and take care of themselves and their families, thus reducing state aide and creating independence. Last, it will keep our streets and community safer because our clients will become productive taxpaying citizens, and not part of the prison revolving door.

Our criminal justice system used to have a mission and goals of rehabilitation and giving second chances, having a felony didn't mean you were labeled for the rest of your life. There is no reason not to hire a person that made a mistake unless the employment has a statutory mandate not to hire? No one can predict human behavior and we certainly have plenty of offenses committed in the work place by someone who has never been convicted of a crime. We need to get back to giving a fair chance to a person that has made a mistake, and this is the first step in the right direction.

Sincerely

Monica Jahner

Monica Jahner

Through community engagement and mobilization, NWI advances the development of healthy, vibrant communities by building capacity to identify needs and formulate strategies to create change.



Honorable Fred Durhal Jr.
Anderson Building Room S-589
124 N. Capital Ave.
Lansing, MI 48933

Frank Foster, Commerce Committee Chair
Anderson Building Room S- 1486
124 N. Capital Ave.
Lansing, MI 48933

Dear Representatives:

As a resident of Michigan nearly my entire life I am invested in the intentions of allowing more job opportunities for folks living in this state. I firmly support HB 4366: The Employment Application Fairness Act.

On a personal level, I've seen people in my life be excluded from decent-paying jobs due to mistakes made when they were young adults. Now, in their thirties and forties, they have serious difficulty finding such good work, and this doesn't need to be the case.

But I'm also here to make sure we're all aware of the professional research evidence on criminal records and job opportunities – following the logic that policy should be based on research evidence. Here are a few key patterns social science has found:

Prevalence of criminal records

First, the chances of being arrested are actually quite high, and it has increased over the years. Therefore, we have many of our residents with the mark of a criminal record. Moreover, these chances are not spread equally, and often depend on the neighborhood you're in.

Relevance of criminal history to employment and risk

Second, likelihood to commit crime declines substantially as we move out of our late teens/early twenties. Employers make the decision to refuse an applicant based on the assumption that past behavior predicts future behavior. Indeed, this link has been supported by plenty of crime research (Piquero, Farrington & Blumstein, 2003). However, and this is an important note, we know that this pattern is changed by 1) getting older 2) finding a steady relationship/marriage,

and 3) employment. So, the continuity of criminal behavior is interrupted by these three important life pathways, as well as others. Here I think the age-crime connection must be especially noticed. As people grow out of the late teens/early twenties, they largely stop committing crimes. Related to this, the more time a person has been 'clean,' their likelihood of not being arrested increases. So at a certain point, someone who was arrested in the past is no more likely than someone without that record.

Non-violent offenders

Third, most people with criminal records are not violent. We know that many substance-related charges and non-violent arrests make up more criminal records than violent ones.

The significant impact of "checking the box"

Fourth, the criminal record does have a substantial impact on the likelihood of getting a job. Professor Devah Pager at Princeton University has shown some of the more striking evidence on this effect (see graph below).

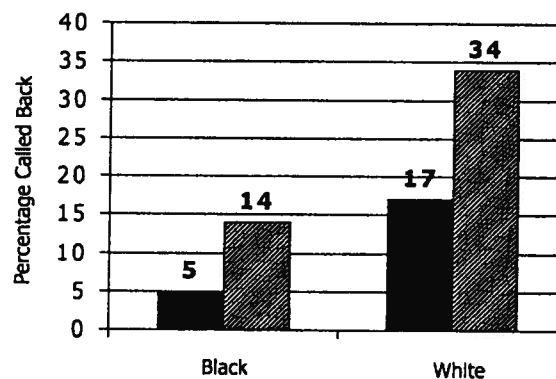


Fig. 6.—The effect of a criminal record for black and white job applicants. The main effects of race and criminal record are statically significant. The interaction between the two is not significant in the full sample.
Black bars represent criminal record; striped bars represent no criminal record.

This results in several 'collateral consequences' *after* people have served their debt to society. And the debt is experienced unevenly. It is highly racialized and based on social class. Black men, particularly young black men, are stigmatized more than others. So, to ignore this end of it is making a big mistake and ignoring some of our long-held beliefs on civil liberties.

The Big Picture: Trusting the System & the Value of Meritocracy

If we're saying that these criminal records should follow people for decades, we're essentially saying that the court and correctional system didn't work to rehabilitate. For any system or relationship to work, we need some trust. Otherwise, we're always compensating for others'

weaknesses. In our current practice, we're saying businesses shouldn't trust the correctional system because it doesn't work. And then Michigan residents looking for jobs feel the brunt of this failure or failed trust.

My last point refers to a larger issue around the value of meritocracy. Meritocracy depends on many factors – one is the fair acquisition of credentials. The 'negative credential' marking an extraordinary number of Michigan residents with an unfair shot *long after* they've paid their debt to society is stalling our realization of meritocracy.

Regards,

Justin Smith, Ph.D.
Assistant Professor of Sociology
Department of Sociology, Anthropology & Social Work
Central Michigan University
Mount Pleasant, MI 48859

To: Representative Fred Durhal
From: Robert and Patricia Heriford, Change of Heart Ministry
Date: Thursday, November 7, 2013
Subject: **HB 4366, the Employment Application Fairness Act.**

I write to you on behalf of Change of Heart Ministry, which was started at Immaculate Heart of Mary Catholic Church, Lansing, in 2006. We serve returning citizens and those recovering from addictions in numerous ways. We financially support ARRO at Northwest Initiative; we provide a support group on Thursday nights; and we offer mentoring. We support your bill, HB 4366.

We have worked with hundreds of ex-offenders in the 7 years of our ministry and one of the main difficulties and pressures for them is the inability to even get an interview for employment opportunities. Many are qualified for jobs they apply for but do not even have a chance to offer the employer personal input that might encourage the employer to hire them. Without employment some may resort to other means of support that may place them back into incarceration or at the minimum rely on public funds for survival.

With a job these returning citizens can afford housing, food, clothing and other needs. This not only prevents a drain on our community, but funnels money back to landlords and merchants. If 1 out of 20 become successful due to the opportunity to interview and acquire employment, we would realize approximately \$30,000 a year in savings. If 10 succeed, we save \$300,000.

Giving qualified candidates the opportunity to interview does not preclude the employer from asking about any criminal record and may provide the employer with a hardworking and committed employee. Many other states and communities have passed similar bills and we encourage passing this bill in Michigan.

Again we encourage the passing of this bill not only because it is fair but may protect our community from the repeating criminal activities.

Thank You,

Robert and Patricia Heriford
Change of Heart Ministry
Lansing, MI

TESTIMONY OF STEVEN TAD MIKKO
MICHIGAN HOUSE OF REPRESENTATIVES COMMERCE COMMITTEE
EQUAL EMPLOYMENT OPPORTUNITY ACT

NOVEMBER 12, 2013

On January 31st of this year, I was paroled from prison after serving more than 25 years for a July 1987 armed robbery. I appear before this Honorable Committee today because I am gainfully employed full-time despite my criminal history and because my employers had the courage and foresight to look past my criminal record and judge my potential as an employee based on my skill and ability rather than on the many mistakes I made earlier in my life. I appear before this Honorable Committee to urge its members and every other legislator privy to my testimony to vote in favor of the Equal Employment Opportunity Act and allow the thousands of other men and women in this state who walk in my shoes the opportunity to be judged as potential employees on their skill and ability and not on the mistakes they may have made.

No one thing about being a parolee, a probationer, or a convicted criminal is more important than being employed. Outside of obeying the law, it is the number one condition of being on supervised release. And for the convicted criminal who might not be on any sort of supervision, statistics have proven time and again that being employed is the number one factor in not reoffending.

For me personally, having my job is a source of immeasurable pride. Pride that has many facets. For example, when I was released on parole, it was necessary for me to turn to the government for assistance. I was receiving food assistance through the Michigan Bridge Card program. I was also enrolled in the Ingham County Health Plan. I was in essence being supported in large part by the taxpayers of this state. Now that I have become a taxpayer, I no longer have to rely on government assistance of any kind. On the contrary, by earning a wage and paying taxes, I have become a contributor to the effort to assist those in need like I was. And that makes me more proud than I can say.

If we pass this bill, others like I was, burdened by the stigma of a criminal past, but who are looking for work yet forced to rely on government-funded assistance programs to survive, will have a fairer and more equal chance at getting hired for a job, a job for which he or she may have been the most able and qualified candidate but never got a chance to discuss it with the employer because checking "yes" in answer to the question of whether he or she had a criminal conviction prevented them from even getting an interview. I cannot begin to tell you how wonderful it feels to be able to tell a Dep't of Human Services caseworker that you no longer need food stamps because you can buy your own now.

For me, though, the true pride comes from becoming what my dad, Robert Bilger, always wanted and expected me to be: a productive member of society. We lost my dad to cancer a little over four years ago. When I was young and running headlong down the path that led me to prison, he did all he could to teach me that earning what you owned, working for your living, was the way of a real man. I agonize every day that he died disappointed in me; thinking that I didn't learn his lesson. But if he could see me now, I know he would be proud of me. He would be proud of what I have done and what I will continue to do. He would know that, while it didn't take right away, I learned the lesson he tried to teach me. And, like me, he would be grateful to the company that hired me, the company that gave me the opportunity to explain my past as well as why I was qualified to work for them.

I work in a metal fabrication shop. I operate machine tools. This is actually a trade that I learned while I was in prison! Machine tool operation is one of many vocational training programs that I saw during my incarceration. Along with machine tool operation, the Michigan Department of Corrections offers vocational training in food preparation, horticulture, and building maintenance. At the Lakeland facility, prisoners are taught how to train and handle dogs. And there are other programs as well. Each of these programs provides prisoners with tremendously useful skills which, if done for an employer, can provide that prisoner with a living wage. Imagine then, getting this training and then never having the opportunity to utilize it.

Passing this bill will help to give the Dep't of Corrections' vocational training programs meaning. If an ex-offender never has a chance at an interview to describe his training to a prospective employer, then the time and money spent on the training was for naught. It makes the training meaningless. I learned to operate machine tools in prison and I now work for a company whose business is machine tools and which gave me the chance to explain my training and my skill.

The Equal Employment Opportunity Act will ensure that people with criminal records receive the same opportunity to sell themselves to an employer as an individual who does not. It doesn't force or require business owners to hire anyone they don't wish to hire; it simply levels the playing field and allows someone with a criminal record an equal chance to be judged on skill and ability rather than because he or she made a mistake.

Thank you for hearing my testimony today.



CASCADE
engineering

shaping ideas in plastics

November 8, 2013

To Our Michigan Legislators:

At the crux of every business on earth lies a single common element – people. People are the reason we manufacture, speak out, or take action. Cascade Engineering is proud of our investment in people – including those seemingly out of favor or at odds with the community, for us this is a worthy pursuit.

For many years, we have partnered with community and state agencies to offer career opportunities to returning citizens in communities throughout the United States where we are located. We most often find that by extending a second chance and creating an option for someone where previously there were none, the favor is returned by an engaged and loyal employee and we reap the benefits together.

Cascade Engineering is taking an active role in finding the right fit, the right methods and the right way to do “the right thing” not only within our own company but within our broader global community. The right thing for us to do is “move the box”. By moving the box requesting felony disclosure, we provide equal opportunity for employment to all candidates. And, while doing so, we are complying with EEOC guidelines that clearly set criteria for appropriately evaluating a candidate vs. simply saying “no” - as many organizations do today. We hope to encourage our business colleagues in the community to recognize the benefits of lending someone with a barrier that helping hand, while at the same time finding a method and support system that works for their own organization.

For all these reasons, we pledge our support for HB 4366. In addition, the 30-2-2 program is an excellent example of a supporting initiative, and we have proudly partnered with Mark Peters of Butterball Farms and other companies in our area to help this initiative succeed. If there are any questions or if we can assist in the passage of HB 4366, please feel free to contact me.

Sincerely,

Kenyatta Brame
Senior Vice President and CAO



inghamgreatstart.org 517-244-1267

Ingham Great Start Collaborative would like to declare our support for Michigan's HB 4366, The Employment Application Fairness Act. The bill, if passed, would eliminate from employment applications, the "box" that asks if an applicant has ever been convicted of a felony. Our bill is part of a nationwide movement that has come to be called "Ban the Box".

We believe that passage of bill 4366 is not only critical to creating fair opportunities for employment for individuals with criminal records, but it also would contribute significantly to the public safety insofar as people with records that work are much less likely to re-offend. It is estimated that 1 in 4 adults Americans has a criminal record. HB 4366 would give that 25% of the adult population the same chance at a job as the other 75%.

We recognize and applaud the fact that HB 4366 **DOES NOT** require employers to hire anyone that they do not want to hire. The bill simply ensures that applicants with a criminal record do not see their applications discarded before they have a chance to explain their record or pitch their qualifications. In other words, it merely guarantees that every prospective employee, regardless of any past mistakes, has a fair chance to let his or her ability decide whether he or she gets a job.

On the federal level, in April 2012, the Equal Employment Opportunity Commission (EEOC) issued guidance suggesting that refusing to hire individuals with criminal records violated Title VII of the Civil Rights Act of 1964. Passage of HB 4366 would require employers to first evaluate applicants based on their qualifications before enquiring about a criminal record. Passage of the bill would ensure that Michigan hiring practices are aligned with the EEOC guidance and Title VII.

For all these reasons, we pledge our support for HB 4366.

Ingham Great Start Collaborative

2630 W. Howell Rd., Mason, MI 48854

**Students Organizing Against Prisons
University of Michigan – Ann Arbor**

November 8, 2013

Representative Fred Durhal Jr.
P.O. Box 30014
Lansing, MI 48909-7514

Dear Representative Fred Durhal Jr.:

We, at Students Organizing Against Prisons would like to declare our complete support for Michigan's HB 4366, The Employment Application Fairness Act. If passed, the bill will eliminate the "box" on employment applications which asks if an applicant has ever been convicted of a felony. The Employment Application Fairness Act does not stand alone, it is a part of a nationwide movement called "Ban the Box".

We believe that the aforementioned "box" on employment applications is detrimental to society in that it eliminates the opportunity of formerly incarcerated individuals to explain themselves or prove their rehabilitation. With these limitations on access to employment, many formerly incarcerated individuals are compelled to commit crime in order to survive, leading to repeat convictions and increased prison recidivism rates. The "box" creates a "revolving door" in which individuals go in and out of prison, and this causes damage not only to the individual, but to their communities as well.

We recognize the fact that The Employment Application Fairness Act will not force businesses to hire former offenders, nor will it bar employers from asking about applicants' conviction statuses or performing a background check. Rather, it will allow applicants to be judged on their qualifications before their criminal history is taken into account.

There are major flaws in our criminal justice system as it exists today, but we must respond by organizing communities and legislation around the root causes of crime. We must not respond with barriers for formerly incarcerated individuals as they attempt to reenter society, through impairing their ability to find secure employment.

For all of these reasons, we at Students Organizing Against Prisons pledge our support for HB 4366. If there are any questions please contact us at soap.lead@umich.edu.

Sincerely,

Yanique A. Foster
Alexandra M. Brill
Donavan D. McKinney
Samuel R. Spero

Donald K. Felder
Dominique S. Crump
Noah J. Halpern

Lead Team, Students Organizing Against Prisons



**MICHIGAN COUNCIL
ON CRIME AND DELINQUENCY**

SERVING CITIZENS OF MICHIGAN SINCE 1956

1000 West St. Joseph, Suite 400 • Lansing, MI 48915
(517) 482-4161 • Fax: (517) 482-0020 • www.miccd.org

November 7, 2013

The Honorable Fred Durhal, Jr.
Anderson House Office Building, Room S-589
124 N. Capitol Avenue
Lansing, MI 48933

Dear Representative Durhal,

The Michigan Council on Crime and Delinquency would like to express support for House Bill 4366, known as the Employment Application Fairness Act. Across our state, citizens with past criminal histories are frequently excluded from employment opportunities before ever being able to present their qualifications. Successful passage of this bill would prohibit employers from inquiring about felony convictions in an initial employment application.

To date, seven states and 43 local governments have passed similar legislation in an effort to ensure fairness in hiring practices. This includes a number of Michigan localities, including for example Detroit, Kalamazoo, Battle Creek, and Saginaw County.

In April 2012, the Equal Employment Opportunity Commission (EEOC) issued a guidance opinion suggesting that refusing to hire individuals with criminal records violated Title VII of the Civil Rights Act of 1964. Passage of the bill would ensure that Michigan hiring practices are aligned with the EEOC guidance and Title VII.

If enacted, this legislation could also have a positive impact on public safety. Research shows that individuals who are gainfully employed are less likely to commit crimes. Likewise, parolees who successfully find employment are less likely to reoffend, thereby reducing the tremendous costs to the state associated with returning to prison.

We hope you will consider MCCD as a resource in the efforts to pass House Bill 4366. Please contact me if you have questions or would like additional information about our position.

Best wishes,

A handwritten signature in black ink that reads "Michelle Weemhoff". The signature is written in a cursive, flowing style.

Michelle Weemhoff, M.S.W.
Associate Director
Michigan Council on Crime and Delinquency
(517) 482-4161
mweemhoff@miccd.org
www.miccd.org



Employment Application Fairness Act HB 4366
Testimony of Terri Stangl, Executive Director

Chairman Foster and members of the Commerce Committee:

My name is Terri Stangl and I am the Executive Director of the Center or Civil Justice. CCJ is a non-profit law firm that advocates on behalf of low-income people on systemic issues related to their basic needs. Since 2002 I have personally worked on numerous issues concerning re-entering citizens and I have helped to facilitate a statewide workgroup on re-entry issues. CCJ's staff talk to people all over the state who are trying to get Food Assistance Program benefits because they are unemployed and we hear about the challenges they are having.

One of the most difficult problems for any agency or faith-based group that is trying to help ex-offenders reenter the community and avoid recidivism is to find these individuals jobs. Many people who have gone to jail or prison are anxious to get out, find a job and avoid further trouble. Employers who hire these individuals are often impressed at how motivated they are to stay employed. Unfortunately, especially in today's job market, it is very difficult for many people with criminal records to get a job interview, let alone a job. They cannot get a foot in the door so that employers really consider their qualifications.

This is why the Center for Civil Justice supports the Employment Application Fairness Act. When job applications ask about prior felonies or misdemeanors, this practice prevents these individuals from having their prior experience and education considered. It prevents these individuals from discussing the circumstances of their conviction with a prospective employee. This can be particularly problematic to low income people who may have gotten a conviction because of their financial circumstances that resulted in a bounced check or a felony child support conviction or a failure to report a change in circumstances to their caseworker. Or an older adult who had a drug conviction in college who is now back on the job market for the first time in 20 years and finding door after door is now closed.

I can't tell you how many people I have talked to over the years who at their wits end because they aren't finding a job. They are desperate and worried. They used their time in prison to get a GED or a skills certificate. They qualified for early release. They want nothing more than to get a job and stay out of trouble and set a good example for their children. But after filling out hundreds of job applications that ask about criminal history, and having door after door closed, they ask themselves: what does rehabilitation mean? Am I supposed to be punished the rest of my life for a mistake that I am trying to put behind me? Can I be a productive part of society again or am I always going to be an outcast?

From where I sit, if we insist on life-long punishment and exclusion, instead of reconciliation and forgiveness, there is a terrible price to be paid for taxpayers, employers, and ex-offenders alike. Yes there must be consequences for those who are convicted of breaking the law. And there are. But there must be opportunities to move forward and re-enter society too. And in Michigan, a staggering percentage of our population has some kind of conviction at some point. We cannot afford for so many of our citizens in our state be denied an opportunity to be considered for jobs that they are qualified to do.

The Employment Application Fairness Act does not require any employer to hire anyone with a conviction. It does not change statutory limits on who is barred from a particular job. It would require employers to look at credentials and experience first, and then allow them the opportunity to consider whether a particular conviction – and its circumstances – would be relevant to the job at hand. It would give the employer an opportunity to find out, and the applicant an opportunity to explain. As an employer, a number of years ago I found out that a finalist for a job at my organization had a felony conviction for non-payment of child support conviction that had been resolved some years previously. I determined, in light of all the circumstances, that the conviction was not relevant to the job at hand. If I had refused to consider anyone with a conviction up front, we would never have gotten into this discussion. .

I support the changes to the bill that have been proposed by the National Employment Law Program. For example, I agree that the bill should prohibit questions about misdemeanors as well as felonies at the time of application. I also support requiring employers to talk to finalists whose record reveals a conviction to find out more about the circumstances.

The evidence from many other communities and states shows that this kind of legislation does not cause problems for employers and in fact can both benefit them and those trying to make a new life for themselves.

I urge the committee to support the bill, together with the amendments I have already mentioned.



Michigan Citizens for Prison Reform

P.O. Box 80414 Lansing, MI 48908, Phone: 269-339-0606

www.micpr.org | Citizensforprisonreform@yahoo.com

Dear Commerce Committee Members:

I have become personally involved in this work of human rights and social justice after my son was sent into the adult prison system at age 15. He is bipolar. His minimum sentence was **five months**. He did **five years**, due to wrong medications and continual punishment inside of the prison system. Kevin has now been out for one year. We have learned of the surmountable difficulties that exist in Michigan for someone like my son, who has a felony record. Our organization formed after learning of the treatment of prisoners and their families within this system. We now see going into this system often becomes a life sentence, a strike against you for life that will never allow you opportunities you need to succeed.

There are thousands of such individuals within our state who have served their time in prison for their wrongdoing, yet we continue to punish them for life in numerous ways, one of which is the box that remains on job applications asking if they have been convicted of a misdemeanor or felony. This not only impacts them, but their family and ultimately the community and our state in which we all live.

I believe it is time we ask ourselves what our goal is here in Michigan. Is it our goal to support the vicious cycle of people coming out and then far too often going right back in, or should our goal be to assist those returning to our communities so that we can better use our tax dollars on such things as education and providing for young children and families? Due to a felon's inability to often even get an interview, or their fear of even applying for a job because they know they are doomed when they check that box, we are supporting re-incarceration.

Banning the box on Michigan's job application has already been carried out in various communities across our state. I commend these communities for recognizing there is a better way. It does not mean that a potential employer cannot ask these questions during the interview process, it simply means you will not be discriminated against upon filling out a job application.

In the last two years, I have hired returning citizens myself to do home repairs, and have found these individuals to be hardworking, fair and trustworthy citizens. I ask that you consider what is best for the citizens of Michigan, and for our economy. Please support HB 4366- the Employment Application Fairness Act.

Sincerely,

Lois DeMott
Co-Founder/President

11/10/2013

Abe French
Thinking Matters, LLC
704 Gregg St.
Nashville, MI 49073

Monica Jahner

Dear MS Jahner

I am writing this testimonial to ensure that offenders have an equal opportunity to participate in the great system we have in the State of Michigan. I wish your organization success in eliminating inquiry about an individual's criminal history on employment applications.

I have been one of the people who have struggled with employment after having been convicted of a felony. For several years I worked in the gray economy and received government assistance due to a lack of employment opportunities. After several years post release from prison I struggled to get interviewed for employment. My opportunity was limited to temporary agencies, cash jobs and government services.

After several more years of struggle I eventually convinced the Michigan Department of Corrections that I was worthy of an employment opportunity. Through my individual perseverance and the professionalism of a few MDOC employees I was allowed to become a Corrections Officer. I entered higher education, promoted and served 25 years before deferring my retirement.

I am now the Facility Manager at a residential treatment facility for Cherry Street Health Services. For the previous 10 years I worked as a Grants Coordinator and Cognitive Behavioral Program Specialist. I have developed curricula, programs and monitored program activities for the MDOC. I have been involved in creating, training and delivering programs to assist offenders to change their thinking and life styles for more than 20 years.

I would like to convey the message that State sanctioned limitations placed upon offender opportunity for employment help offenders maintain their belief that society is not interested in

their success as a pro-social member of our society. From the criminal thinking perspective, this "box" validates the very thinking that we are attempting to correct. It is a metaphor for social hypocrisy in their mind.

I support your efforts and urge the Legislature to consider that the first step in working against criminal thinking is to make sure it is not validated by fact. The "Ban the Box" effort will, in my belief, give ex-offenders one less valid reason to see society as a victimizer. It will be one more reason to see that the responsibility for self-management is placed squarely upon the individual offender.

I have worked very hard for many years to become a productive and valuable member of Michigan. Banning the box is a step in the direction of providing that same opportunity to others.

Sincerely,



Abe French
Thinking Matters, LLC

November 6, 2013

NorthWest Initiatives/ARRO
530 W. Ionia, Suite D
Lansing, MI 48911

I would like to declare my support for Michigan's HB 4366, The Employment Application Fairness Act. The bill, if passed, would eliminate from employment applications, the "box" that asks if an applicant has ever been convicted of a felony.

As the Program Director at a community development organization in Grand Rapids I interact on a daily basis with men and women who are vigilantly seeking opportunity but consistently run into this barrier. We have a group of men called the 'Proud Fathers' and almost all of those men have a felony conviction in their past and employers will not give them a chance. Even in their frustration they are not sitting idle. Instead, they meet every week to discuss how they might be leaders in our community and in their homes. They are also taking action. In the month of October these men volunteered 523 hours of their time to improve our neighborhood! They are eager to work and eager for opportunity but 'The Box' keeps them from being considered. It is my desire to stand beside them to end this unfair practice.

To date, ten states and over 50 local governments have embraced similar policies in an effort to ensure fairness in hiring practices. This includes a number of Michigan localities (Detroit, Kalamazoo, Battle Creek, and Saginaw County). We believe that passage of bill 4366 is not only critical to creating fair opportunities for employment for individuals with criminal records, but it also would contribute significantly to the public safety. People with records that work are much less likely to re-offend. It is estimated that 1 in 4 adults Americans has a criminal record. HB 4366 would give that 25% of the adult population the same chance at a job as the other 75%.

We recognize and applaud the fact that HB 4366 **DOES NOT** require employers to hire anyone that they do not want to hire. The bill simply ensures that applicants with a criminal record do not see their applications discarded before they have a chance to explain their record or pitch their qualifications. In other words, it merely guarantees that every prospective employee, regardless of any past mistakes, has a fair chance to let his or her ability decide whether he or she gets a job.

On the federal level, in April 2012, the Equal Employment Opportunity Commission (EEOC) issued a guidance opinion suggesting that refusing to hire individuals with criminal records violated Title VII of the Civil Rights Act of 1964. Passage of HB 4366 would require employers to first evaluate applicants based on their qualifications before enquiring about a criminal record. Passage of the bill would ensure that Michigan hiring practices are aligned with the EEOC guidance and Title VII.

For all these reasons, I pledge my support for HB 4366. To hear more about why this is important to me, my contact information is below. Thanks for listening to my concern.

Sincerely,

Kurt Reppart
1232 Park Street SW
Grand Rapids, MI 49504
616.647.7304
kreppart@theotherway.org



November 8, 2013

My name is Jean Miller and I support House Bill 4366. Many times I was not able to receive employment because of that box. I have changed my life and obey all the laws. I am a substance abuse counselor working on my Master's Degree in clinical counseling.

I am also licensed through the State of Michigan as a Professional Health care person. I respect where I am at after spending most of my life in prison. I think it is important to know, many people want to change when they are released. When you are turned down so many times for employment you want to resort back to the only thing you know that will feed you and your family.

We can change that and reduce crime when we offer employment and equal opportunities to people who have paid their debt. It is not fair to make us pay all our life if a jury or judge allowed us to leave after so many years. If we were going to be punished for a lifetime, then we should have gotten life instead of months or years.

I just want a chance. If a businesses is afraid of being sued because of something an ex-offender has done then they need to look into the Federal Bonding program that will bond any felon that works for them and cover any problems and crime they committed during their employment. In 1966 the U.S. Department of Labor established The Federal Bonding Program to provide Fidelity Bonds that guarantee honesty for "at-risk", hard-to-place job seekers. The bonds cover the first six months of employment. There is no cost to the job applicant or the employer. In most states the bonds are made available through the state agency responsible for workforce matters. In Michigan the coordinator is Michael Prus who works in LARA. <http://www.bonds4jobs.com/program-background.html>

So those companies that are afraid to hire one of us can just get this Fidelity Bond program with no cost but covers any establishment that would like to hire a felon. Also depending on some circumstances they can get \$2,400 dollars in income tax credits just for hiring someone hard to place, through the Work Opportunity Tax Credit.

Help us to eat and have a place to live so the communities will stay safe. When we give a felon a job we take one more person out of crime. It helps the community because it allows them to make money and keep them from selling drugs and doing crime on the streets. When the community does not hire a felon it only opens them up for more crime in their city. Who is going to go without feeding their family and self when no one will hire you? It psychologically defeats the purpose of them doing the time and allowing them to gain their life back after they have rehabilitated their self.

Jean Miller BA, LLBSW
Substance Abuse Counselor
Holy Cross Youth and Family Service dba Kairos Healthcare
269-830-4291 Cell Phone

November 8, 2013

Via e-mail

I am writing to urge all members of the House Commerce Committee to support House Bill No. 4366 - "Employment Application Fairness Act", introduced by Rep. Fred Durhal, Jr.

As one who made routine visits to many different state prisons on federal business during the course of my career with the Social Security Administration starting in 1973, I am very familiar with the difficulties inmates face with obtaining employment upon being released. That is just one of many problems former inmates face upon release, but it is a fact that many employers routinely discard employment applications on which the felony conviction box is checked "Yes".

As you know, H.B. 4366 does not prohibit an employer from doing background checks after first reviewing and checking out the applicant's credentials, but it would allow the employer to look at the applicant's ability to do the job rather than simply discard the application upon seeing box checked "Yes".

H.B. 4366 addresses just one of many shortcomings of our state criminal justice system which led to our prison population increasing fivefold from 1980-2011. According to reports I've read earlier this year, ten states and many cities and counties have enacted "ban the box" legislation. It's time for Michigan to do the same. I urge the Commerce Committee to vote in favor of moving this bill to the floor for debate and an up or down vote.

Sincerely,

**James. C. Corbett
2502 Lawncrest Dr. NE
Grand Rapids, MI 49505
mozartplayer@gmail.com**

(via email)

November 8, 2013

Representative Durhal,

I'm so glad that this bill is being heard at the Commerce Committee next week on Tues, Nov 12, 2013. I'm sorry that I can't come in person; however, I hope that you know how important it is to Ban The Box.

As a person who has worked with low income folks for years, I know the struggle they have to make it financially. A wrong decision at one time in their life, has made it difficult for themselves and their families who want to make their own way.

HOWEVER, THE BOX ON THE APPLICATION PUTS THEM TO THE BOTTOM OF THE PILE WITHOUT LOOKING AT THEIR SKILLS. A Cross that holds them back again and again.

Help ALL citizens get a chance to make their life better, help them be able to get jobs. Ban the Box will be a great start!!!

Thanks for taking the lead in Michigan!!

Judi Buchman
Advocate with Low Income Citizens
315 Eastern Ave SE
Grand Rapids, Mi 49503

Reverend Jay Cummings
6530 Oak Hill Road
Ortonville, MI 48462

Phone: 248-394-9014
jhcummings109@gmail.com
Cell: 517-392-0209

Representative Fred Durhal Jr
House Office Building-S-589
124 N Capital Ave
Lansing, MI 48933

November 7, 2013

Dear Representative Durhal, Jr.,

I would like to declare my support for the house bill HB 4366 (The Employment Application Fairness Act) you have placed on your Committee's agenda for November 12. The bill, if passed, would eliminate from employment applications, the "box" that asks if an applicant has ever been convicted of a felony.

I believe that passage of bill 4366 is not only critical to creating fair opportunities for employment for individuals with criminal records. The church in which I serve as pastor has dealt with this issue for several years. Members of our church have family members who broke the law in years past, served their time in jail or prison, and turned their lives around. We found, however, that they were not able to even get an interview for employment after checking the box. Our church has helped some individuals by pressing their case with businesses with whom do business. We have been able to encourage small business owners in our congregation to change their policies. These efforts are not sufficient for the large number of people who are being held back from making a fresh start in life.

That is the reason we joined with the movement to remove the felony question from applications and have the question asked at the next step, an interview, with qualified applicants. This gives the employer an opportunity to discover the criminal background of the applicant while allowing the applicant to share his or her story. This movement has helped us reach a number of Michigan cities and counties to eliminate the box on job applications. It has also reached the board rooms of several large corporations and caused them to eliminate this box. Most recently, Target Stores have eliminated the box.

Passage of HB 4366 is vital for giving fair opportunities for employment for those with criminal records. It also contributes to a reduction in the number of former felons returning to crime and prison. The record is clear that those people who are employed when released from prison are not likely to return to crime.

I appreciate fact that HB 4366 does not require employers to hire anyone that they do not want to hire. The bill simply ensures that applicants with a criminal record do not see their applications discarded before they have a chance to explain their record. In other words, it provides an opportunity for forgiveness and redemption. As a person of faith, this speaks strongly to me.

If there is any way for me to assist in the passing this bill, please contact me.

Sincerely,

Rev. Jay Cummings,

United Church of Christ

Via e-mail

Nov. 11, 2013

Representative Fred Durhal Jr.

I am writing in support of Michigan's HB 4366. I am in support of "banning the box". I think it is time that we stop punishing people forever for committing a crime. They should at least be able to get an interview. Without jobs, people are more likely to commit another crime. Banning the box would go a long way to reforming some of the ways we push people back into prison.

Thank you for your attention to this matter.

Sincerely,
Leslie Cummings
6530 Oak Hill Road
Ortonville, MI 48462

November 4, 2013
1414 North Foster Avenue
Lansing, MI 48912-3313

Honorable Commerce Committee Members

Subject: The Employment Application Fairness Act - HB # 4366

I am writing to show my support for The Employment Application Fairness Act, HB 4366. House Bill 4366 will eliminate barriers to employment for qualified workers with criminal records by eliminating from employment applications, the "box" that asks if the applicant has very been convicted of a felony. HB 4366 will promote fairness in employment by endorsing the value of a policy that allows workers to be judged on their merits, not on an old or unrelated conviction.

This bill is part of a nationwide movement that has come to be called "Ban the Box." HB 4366 will not prohibit employers from asking about criminal histories or doing criminal background checks. But it will give applicants the chance to get past the application stage. It will give them the opportunity to answer the question face to face. Employers often weed out applications that indicate a criminal history without giving the person a chance to explain what happened. Instead, companies will do thorough background checks later in the process.

If this bill is passed, it will allow people to recover their lives and become productive citizens. If families of formerly incarcerated individuals are going to heal, prosper and contribute to our community, everyone must have an opportunity for employment, housing and education. Employment is one of the most effective tools to reduce recidivism-returning to prison, resulting in a safer community and lower cost to tax payers. People with criminal records are struggling to find work and become reintegrated into their communities.

More cities are tackling this "reentry" challenge by adopting a "smart on crime" agenda which promotes public safety by creating more employment, housing and drug treatment opportunities. In the process, leading cities are reevaluating local policies that create unnecessary barriers to employment of people with criminal records.

Currently, ten states (including Connecticut, Washington, Michigan, Tennessee, and Ohio) and over 50 local governments (including Detroit, Kalamazoo, Battle Creek, and Saginaw Counties) have already embraced this policy in an effort to ensure fairness in hiring practices by limiting discrimination in city and county jobs against people with criminal records.

The U.S. Equal Employment Opportunity Commission issued a revised guidance in April 2012 on the use of arrest and conviction records in employment under Title VII of the Civil Rights Act of 1964. The Commission recommended as a "best practice . . . that employers not ask about convictions on job applications and that, if and when they make such inquiries, the inquiries be limited to convictions for which exclusion would be job related for the position in question and consistent with business necessity." Passage of HB 4366 would require employers to first evaluate applicants based on their qualifications before enquiring about a criminal record. Passage of the bill would ensure that Michigan hiring practices are aligned with the EEOC guidance and Title VII.

Thank you for your attention to this matter.

Sincerely,

Bonnie J. Bankson

Michael Hunt
616 802 7892

I am saying that The Felony Thing should be Banned cz when most people are trying to get a job and getting out of jail or prison and trying to get employment they ALWAYS check your background AND NEVER get a job

AS A COMMUNITY ENGADGEMENT OFFICIAL. I OFTEN HAVE MEN AND WOMEN IN MY OFFICE LOOKING FOR EMPLOYMENT. MOST OF THE TIME THE CONVERSATION GOES VERY WELL. BUT WHEN WE GET TO THE PAST HISTORY PART, THE CONVERSATION TURNS FOR THE WORST. SO WHAT THAT MEANS IS THAT THE PERSON LOOKING FOR WORK IS ONCE AGAIN TOLD NO. WITHOUT THEM GETTING AN INTERVIEW FOR THE WORK NEEDED. WE HAVE QUALITY INDIVIDUALS IN EVERY COMMUNITY WHO NEED A SECOND CHANCE. AND SHOULD BE GRANTED THE OPPORTUNITY TO SUPPORT THEIR FAMILIES.

KARL WILLIAMS 616-451-6018

project:

To whom it may concern,

My name is Tony Lee, I am a licensed barber in the wonderful city of Grand Rapids MI. I relocated to G.R. from Saginaw, MI. in 2005 in an attempt to wash away the awful stain on my name as a result of a former life style and involvement with criminal activity. I landed myself in the prison system without realizing that I would be branded forever. Upon completing my sentence and Parole, I began the process of seeking employment. I was denied for several positions because of my lack of experience only to later discover that the positions had been filled by individuals with equal experience but no felony, with a little luck on my side I found a new company out of Ohio,

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That was looking for parts inspectors. when I arrived I wasn't even given an interview, I started work immediately and was trained by the owner of the company who worked right along with me.

However, as the company grew they began to do background checks. I was let go but was told that my criminal background had nothing to do with this decision. in the five years that I was there I didn't have one tardy or absence.

I decided to look into becoming a professional Barber since most of my teenage yrs was spent cutting hair. I went over to Flint MI. and filled out the forms for school and paid all the app. fees and again I hit the felony wall. it turned out that applicants with a felony had to be approved by the Board

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which slowed the application process down by 6-8 wks, my process took more than a year. Finally when I hadn't heard anything from the school, I called and spoke with an administrator. They informed me that it was out of the school's hands at this point but gave me a number to call in Lansing MI. a direct line to the board of barbers.

The lady that I spoke to was rude beyond words. I was told that my application would be reviewed when they got around to it, and that I wasn't to call there again. She in fact wanted to know how I even got that number. I replied that it wasn't important and hung the phone up.

at that moment I remembered that our state rep a couple months ago gave everyone at church a number to call it in and it

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help with any legislative issues, and so I made the call. I spoke briefly with his secretary who was also in church that Sunday. She said that she would relay my message and he would get back to me. Not even an hour passed before the phone rang the secretary and state rep was on the other end, she asked me to explain again my issue. When I finished he told me to stay by the phone and he'd call me right back. After about 15 mins I received his call back, he informed me that I had been approved and could call the school for a start date. All felons do not have a number they can call, I feel strongly that without that question on an application a person would at least have an opportunity to prove themselves. I wonder where I'd be today without it Sincerely,

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